

Minutes of Special and Regular Meeting of January 27, 2009

## **SPECIAL MEETINGS**

### **CLOSED SESSION - 5:45 P.M.**

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME
- B. Public Employee Appointment pursuant to GC section 54957: Redevelopment Agency Attorney
- C. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) Pending Litigation: Belmont v. D&J Tile

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Police Chief Mattei, and Human Resources Director Dino. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:35 P.M.

**Terri**

**Cook**  
**City Clerk**

This meeting was not tape recorded or videotaped.

## **REGULAR MEETING** **CALL TO ORDER 7:42 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, Community Development Director de Melo, Public Works Director Davis, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Parks Manager Ourtiague, City Treasurer Violet, City Clerk Cook.

### **REPORT FROM CLOSED SESSION**

City Attorney Zafferano reported that direction was given but no action taken during the closed sessions held earlier.

## **SPECIAL PRESENTATIONS**

### **Oath of Office of new Police Sergeants, Police Corporal, and introduction of new Police Explorer**

Police Chief Mattei introduced the new Police Explorer, Richard Deschler. He also announced the promotion of Roy Digneo and Michael Supanich to Sergeant, and John Bradley to Corporal. City Clerk Cook administered the oath of office, and their families pinned their badges.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**John Violet**, Friends of Belmont Library, stated that the Friends were finishing up their January membership drive. He encouraged people to place books in the book donation barrel, as many were being sent to soldiers overseas. He also announced an upcoming mystery writer series to be held at the library.

**Dianne Keogh**, Belmont resident, expressed her appreciation for the quick response from the Police Department following a recent 9-1-1 call she made in error. She also thanked the City Council and the staff for its quick response to her request for replacement of bot's dots on the road near her apartment building. She noted that renters are not treated any differently from owners in Belmont.

**Tim O'Brien**, Belmont resident, commended the City Council for its passage of the smoking ordinance. He noted that some behaviors affect others, including smoking.

**Rob Simmons**, Belmont resident, stated that he is being harassed for being a medical marijuana patient. He received approval from the County to operate a marijuana dispensary. His property was seized. Marijuana patients need to be protected, and he suggested that Belmont become a sanctuary for patients. He is seeking compassion and protection, as well as a pardon from the Governor and the President.

**Donnie Tran**, San Francisco resident, stated he has been harassed by the police department.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Braunstein announced that the deadline for commission applications was approaching. He noted the upcoming Father/Daughter Sweetheart Dance on February 6<sup>th</sup>. He invited local organizations to contact the City in order to make use of the local access television station for upcoming events.

**RECESS:** **8:00 P.M. (to consider the Belmont Fire Protection District and Redevelopment Agenda agendas)**

**RECONVENE:** **8:28 P.M.**

## **AGENDA AMENDMENTS**

Mayor Braunstein noted that following the Consent Agenda, he would be taking several items out of order on the agenda in order to accommodate the audience.

## **CONSENT CALENDAR**

**Approval of Minutes of Special Meeting of January 7, 2009 (Closed Session)**

**Acceptance of Written Communications:** 1) Received January 12, 2009, Before the PUC, Order Instituting Rulemaking to Revise and Clarify Commission Regulations Regarding Fire Hazards

**Approval of Resolution 10084 Approving a Professional Services Agreement with Cal Engineering & Geology for Soil Investigation and Repair Design for an Amount not to Exceed \$45,166 for the Marburger Avenue Roadway Repair, City Contract Number 499**

**Approval of Resolution 10085 Waiving Notice of the County of San Mateo's Lease of Real Property**

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the Consent Agenda was unanimously approved by a show of hands.

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS** (Item out of order on agenda)

**Information on the New Roadway Geometrics on Alameda de las Pulgas, South of Ralston Avenue**

Public Works Director Davis noted that this has been a multi-year project. Diagonal parking was created in front of Carlmont High School in 2006. A grant was awarded in 2007 to install bike lanes in the area, and in 2008, the City Council approved the restriping plan. The restriping has generated much interest and many emails. He provided statistics as to the number of responses received. Travel time studies were performed during peak travel, and the amount of travel time is already reducing.

Public Works Director Davis noted that time travel studies are normally performed over the course of one hour, but the peak travel time in this area is only 20 minutes, which is within acceptable limits from an engineering perspective. The biggest issue is now a bottleneck at Chula Vista due to offloading of the bus, and staff can work with Sam Trans to alleviate this situation. The pedestrian crossing at Chula Vista is not controlled, and a crossing light could be installed. He recommends monitoring the situation.

Public Works Director Davis noted that driving behaviors have already changed and travel times have reduced. Better lane demarcation is being made.

Mayor Braunstein clarified that vehicular traffic around the back of Carlmont High School is limited for safety reasons.

In response to Council questions, Public Works Director Davis clarified that the merge lane from the southern driveway at Carlmont High School has been eliminated as there is not enough room to accommodate it and the bike lane. He stated that Belmont staff will meet with San Carlos staff to discuss the issues related to Tierra Linda School, Dartmouth Avenue, and San Carlos Avenue, including timing of the light at that intersection.

Discussion ensued regarding details of the bus drop-off area.

Councilmember Feierbach noted that students are unaware of how to facilitate ingress and egress into school driveways.

Mayor Braunstein stated that the City has not done a good job in communicating these roadway changes, and he noted it came as a shock to the Carlmont community.

**Roxanne Kelly**, San Carlos resident, stated that she was speaking on behalf of residents on Cranfield Avenue. This issue has been worsening over the past decade, and she has discussed

this with San Carlos city staff. Cranfield is a dead-end street that needs access via Alameda de las Pulgas. There is no four-way stop, and right-of-way problems occur within the current road configuration. It is a safety issue. The previous merge lane helped, but it has been eliminated. Cranfield residents are willing to help with a solution.

**Tim O'Brien**, Belmont resident, thanked the City Council for providing bike lanes. He suggested that students do not always need to be driven to school. He commented that bike and pedestrian safety is important, and a short delay is a small price to pay.

**Kevin Sullivan**, Belmont resident, thanked the city for installing bike lanes. He noted that this is an issue often discussed by the Green Advisory Committee. Streets need to be safe for all users. He encourages bike use. Traffic patterns will adjust.

**Gladwyn D'Souza**, Belmont resident, also thanked the city for installing bike lanes. Parents driving students to school endanger lives. Congestion needs to be addressed. He recommended the installation of paid parking on Alameda and in the McDougal neighborhood. He wants to address pollution. This is an opportunity for greening of the city, and is a sustainable community issue.

**Margaret Pye**, San Carlos resident, expressed her support for bike lanes. She does not own a car. She noted that in years past, students walked or biked to school. A culture of fear has given rise to the need to drive kids to school, which contributes to safety problems. People get into the cars without thinking. The problem is that this roadway change was unannounced. The City should apologize but keep the bike lanes.

Councilmember Dickenson stated that constructive ideas have been presented. There is a need to balance the needs of all users of the road. He apologized if this issue was not fully thought through. He recommended sending this to the Infrastructure Committee for further review, and to provide input to them from the Police Department and the residents. He does not want to piecemeal a solution. There is a need for more bike lanes to increase connectivity. He also does not want to push traffic into neighborhoods. There is a need to address the issue on for Cranfield Avenue.

Councilmember Wozniak concurred that this roadway change was not communicated well. She was unaware of the issue regarding Cranfield Avenue. She stated that the south driveway at Carlmont High School is a problem. She noted this is not just a Carlmont High School/Tierra Linda School issue, but involves other problems. There is an opportunity to address a variety of traffic issues in this area. People will get used to the roadway change. There should be secure bike parking at Carlmont High School, and it should be easier and safer for bicyclists and pedestrians. Kids should be encouraged to bike to school. Parking tends to creep into the neighborhoods. When she was a student at Carlmont, she walked to school because she lives too close for the bus. Streets are required to be available for all users.

Councilmember Feierbach stated that it is hard to take something away once it has been given. There needs to be sufficient time to get used to the roadway changes. She expressed her disappointment that the City of San Carlos provided a link for people to complain. There is a

need to outreach to the schools. Overgrown vegetation along sidewalks impedes pedestrian traffic. She concurred with the recommendation for the Infrastructure Committee to review this matter.

Councilmember Lieberman stated that this was the best of intentions with unintended consequences. The issue regarding Cranfield Avenue was not known. There could be a positive outcome if long-term issues are addressed. He noted that staff is already tweaking the configuration. He concurs that eight minutes delay is too long, and that the Infrastructure Committee should review this matter.

Mayor Braunstein concurred that communication was a problem. The San Carlos City Council and its residents are not happy. Students are making bad driving maneuvers. Some good ideas have been suggested. He concurred to have the Infrastructure Committee review this. Expectations and communications are important. There is an opportunity for a win-win outcome. He thanked all who communicated with the City regarding this issue.

**Sean Brennan**, Belmont resident, stated that he was the one who started the bike lane issue, and he thanked the City for following through. He noted that it functions well. He does not understand why people are complaining, since there is only one lane in each direction on San Carlos Avenue.

Council concurred to refer this matter to the Infrastructure Committee for further discussion.

## **NEW BUSINESS**

### **Discussion and Direction Regarding Proposed Ballot Measure - Parks and Open Space** (Item out of order on agenda)

Mayor Braunstein and Councilmember Wozniak stated that because they live within 500 feet of property that could be subject to this proposed ballot measure, they need to recuse themselves on this item.

Mayor Braunstein noted that he would pass the gavel to Councilmember Feierbach as the senior member of the Council.

Mayor Braunstein and Councilmember Wozniak stepped off the dais and out of the room.

City Attorney Zafferano provided background of this issue, which arose out of an Item 9 from Councilmember Feierbach. A similar issue was raised in 2001 but not pursued. He clarified that at that time, the matter involved only park space, not open space. There may be a need to clean up the several zoning districts in which parks and open space are designated, and create a separate, new zone. He outlined the wide variety of issues to be addressed in drafting a potential ballot measure. He noted that there is a need to define the uses allowed, and suggested consistency with the Parks and Open Space Master Plan.

City Attorney Zafferano clarified that a local measure would offer more protection than relying on State law, and it could provide flexibility to address a wide range of uses of the various properties. He outlined the timeline if this item is to be placed on the November ballot. There is a

need for a majority vote of the three remaining Councilmembers in order to continue working on this issue, and three affirmative votes are required to place the issue on a ballot.

Councilmember Dickenson expressed his desire to move this issue forward. It has been vetted before. The community has voiced its support for open space.

In response to Councilmember Lieberman, City Attorney Zafferano clarified that staff has not yet performed an analysis regarding the effect of converting park space to open space, or vice versa.

Clarification was made regarding the ownership of Waterdog Lake and the parcels surrounding it.

In response to Council questions, City Attorney Zafferano stated that the amount of staff time required on this matter would depend on the level of research needed. This issue contains many complexities, and all eventualities need to be covered for a potential ballot measure. He clarified that his work on this issue would not likely be covered under his regular contract due to the complex nature and the significant amount of time that will be required.

Councilmember Feierbach noted that rezoning of these parcels needs to happen regardless of whether or not the ballot measure goes forward.

**Gladwyn D'Souza**, Belmont resident, recommended considering this issue in the larger framework of the General Plan update. Some parcels that are now privately owned could become publicly owned. Some are not connected. Some have the potential of becoming conservation areas. The floor area transfer policy needs to be addressed.

**John Violet**, City Treasurer, noted that some parcels that the City has acquired over the years such as Barrett, Cipriani, McDougal and the Belmont Library carry additional burdens if rezoned, which need to be addressed.

City Attorney Zafferano responded that staff can address this, but it should not have any effect, as those parcels are already being used as authorized under the General Plan. There is a need to address property agreements that exist on any of the designated parcels.

Councilmember Lieberman stated that he is doing outreach to the sports groups regarding this issue and he needs more time. He is not ready to give direction to staff to do more work. Parks and open space in Belmont are jewels. He noted that any change in zoning requires a super-majority vote. This matter could be addressed with rezoning. The City Council took its time with slope density, and there was a good outcome as a result.

Councilmember Feierbach noted that the super-majority requirement to change regulations at the State level could change any time. She outreached to some sports groups who expressed support for this issue. She noted that San Mateo voters passed a similar ordinance to protect Sugarloaf Mountain. She expressed concern that the proposal for the Sports Complex could happen again.

Councilmember Lieberman responded that the Sports complex was never in danger of being developed. That issue was carelessly approached. He requested a delay in this matter due to time and cost. In response to Councilmember Feierbach's question as to whether or not he would ever support a ballot measure, Councilmember Lieberman responded that he would. He is concerned regarding the potential change in uses within the proposed zones that would require a vote of the people. There is no time sensitivity regarding this matter, no danger of conversion, and no imminent development. If there is a desire to do this, the City should do it right. He has no pre-determined sense of this issue, and he needs to understand the community's concerns, and he wants to address concerns of stakeholders. He does not want staff to perform unnecessary work.

Councilmember Dickenson noted that slope density was a different issue than this one.

Councilmember Feierbach clarified that slope density can be changed by a future City Council, but Measure F cannot, as it needs a vote of the people. Councilmember Lieberman stated that this was all the more reason to vet the issue now and not rush it.

Councilmember Lieberman stated that he does not wish to govern out of fear. There is no indication the State will change from the current super-majority voting requirement.

City Manager Crist stated that this issue was raised by Councilmember Feierbach in 2007, at which time staff suggested waiting for the November 2009 Municipal election, to save costs.

City Attorney Zafferano noted that he could provide information at an upcoming Council meeting in response to questions and issues that have arisen this evening.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, and approved by a roll-call vote (2-0-1, Lieberman abstain, Braunstein/Wozniak recused) to direct staff to return to Council with additional information regarding a potential ballot measure to permanently protect parks and open space.

Councilmember Lieberman stated that he does not have enough information to vote this evening.

**RECESS: 10:20 P.M.**

**RECONVENE: 10:25 P.M.**

Mayor Braunstein and Councilmember Wozniak returned to the dais.

**MEETING EXTENSION** at this time, being 10:25 P.M., on a motion by Councilmember Lieberman, seconded by Councilmember Feierbach, the meeting was unanimously extended by 30 minutes by a show of hands.

**Discussion and Direction Regarding Potential Amendments to Municipal Code Chapter 8.5, Control of Campaign Contributions**

City Clerk Cook stated that the State's Political Reform Act, enacted in 1974, regulates campaign financing. It also allows cities and other jurisdictions to enact local ordinances. Belmont enacted a local campaign ordinance in 1986, which has not been reviewed or updated

since. She outlined the various components of the ordinance, and showed comparisons with State regulations and with those of other cities within San Mateo County.

City Clerk Cook noted that approximately 20 percent of cities in the State have local ordinances. Many of them include voluntary expenditure limit components, and she noted that the City Council may wish to consider such a component for Belmont. She pointed out that some cities' ordinances are stricter than Belmont's.

City Clerk Cook recommended that the Council consider changing all reporting thresholds to match those governed by State regulations, in order to avoid confusion of candidates and their treasurers when filling out the campaign finance reporting forms. She also noted that Council could choose to eliminate the ordinance completely, and allowing State law to govern campaign financing.

City Clerk Cook outlined the various policy issues for Council's consideration in any revision of the ordinance. She recommended that amendments be made in time for the upcoming municipal election cycle, which begins in July.

Council discussion ensued. Council concurred that it would like to maintain an ordinance, and that revisions are appropriate at this time. It also concurred that the reporting thresholds should be changed, as proposed, to match those at the State level.

Councilmember Feierbach stated that Belmont's contribution levels were set low in 1986 because developers were making substantial contributions to City Council candidates. She recommended raising them.

Councilmember Dickenson stated that the City of Burlingame has had issues with large sums of money being raised by campaigns during recent elections, and he recommended keeping the contribution level as is currently outlined in the ordinance. He expressed concerns regarding the influence of special interests, and suggested eliminating business contributions.

Councilmember Wozniak stated that she would like to raise the individual contribution level, due to her experience during the recent election. She noted that Councilmember Dickenson did not have to pay for campaign expenses because of his uncontested race, and noted it is very expensive to run a campaign. She would not support raising the individual limit as high as \$500, but would consider limiting or eliminating PAC contributions (political action committee), since those contributions often come with expectations.

Discussion ensued regarding voluntary spending limits. Councilmember Feierbach expressed her concerns regarding this policy, due to issues that arose during the recent assembly race.

City Clerk Cook clarified that State candidates who accept voluntary spending limits are entitled to have a candidate's statement printed in the voter booklet. She clarified that none of the cities with voluntary spending limits used the candidate statement as an incentive for accepting the limit, as most provided monetary incentives.



Councilmember Lieberman suggested that staff contact other cities with ordinances to ascertain how well their ordinances are working.

Council concurred to continue this item for further consideration.

**MEETING EXTENSION** at this time, being 11:00 P.M., on a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the meeting was extended by 30 minutes by a show of hands (4-1, Wozniak no).

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Feierbach provided a brief update on Senior Advisory Committee activities.

Councilmember Dickenson outlined topics discussed at the recent Office of Emergency Services meeting, including the proposed formation of a joint powers authority between San Mateo and Santa Clara Counties to open a training center at Moffett Field. He also stated that the Audit Committee discussed the new software upgrades currently under way for the City, and that the annual rotation to another partner in the audit firm would be taking place.

City Treasurer Violet outlined the audit partner rotation schedule. He noted there was a cooperative effort at staff level regarding the recent staff turnover.

Councilmember Lieberman noted that the County is performing an audit of Redevelopment Agency payments, and he noted that there is a disagreement between the City and County regarding this issue. He clarified that the County has the ability to take Redevelopment monies if repayment is not made, but that is not likely to happen. He also outlined other topics addressed by the Audit Committee.

Mayor Braunstein outlined the areas that were discussed at the City Council's recent retreat.

### **Verbal Report from City Manager**

City Manager Crist stated that staff has met with PG&E since the undergrounding project was last discussed by the City Council. Staff will be bringing a subsequent resolution for Council's consideration, to authorize City staff to approach other cities for their Rule 20A credits.

## **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

### **Improve our business license approach (Feierbach)**

Councilmember Feierbach noted that in light of the hour, she would continue this item to another date.

**ADJOURNMENT** at this time, being 11:10 P.M.

**Terri**

**Cook  
City Clerk**

Meeting Tape Recorded and Videotaped  
Audio Recording 717